

REMARKS/ARGUMENTS

Claims 1-57 are pending in the present application.

This Amendment is in response to the Office Action mailed December 17, 2003. In the Office Action, the Examiner rejected claims 10-13, 15, 19, 29-32, 34, 38, 48-51, 53, 57 under 35 U.S.C. §102(e); and claims 1-9, 14, 16-18, 20-28, 33, 35-37, 39-47, 52, 54-56 under 35 U.S.C. §103(a). Applicant has amended claims 10, 29 and 48. Reconsideration in light of the amendments and remarks made herein is respectfully requested.

Rejection Under 35 U.S.C. § 102

1. In the Office Action, the Examiner rejected claims 10-13, 15, 19, 29-32, 34, 38, 48-51, 53, 57 under 35 U.S.C. §102(e) as being anticipated by Publication No. US2002/00549339 issued to McCormick et al. ("McCormick"). Applicant respectfully traverses the rejection and contends that the Examiner has not met the burden of establishing a prima facie case of anticipation.

McCormick discloses a system for automated generation, testing and optimization of content, design and presentations. A research database is initialized and made available to the system (McCormick, col. 2, paragraph 0022). The research database may include test samples of a prior output document and optionally a user profile including the response a particular user had prior to output document (McCormick, col. 2, paragraph 0022). Input data are selected and filtered base on a set of selection and filter parameters in parameter database (McCormick, col. 3, paragraph 0025).

McCormick does not disclose, either expressly or inherently, (1) a content analyzer to analyze a content to extract a description compatible with personal preference information, and (2) a content filter to filter the content according the personal preference information. The Examiner states that McCormick discloses the research database as a content analyzer. Applicant respectfully disagrees. The research database merely includes test samples or optionally a user profile. It does not analyze the content to extract a description. Furthermore, McCormick merely discloses that input data are filtered based on filter parameters in a parameter database, not using the extracted description and the personal preference information. To anticipate a claim, the reference must teach every element of a the claim. "A claim is anticipated

only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” Vergegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987). “The identical invention must be shown in as complete detail as is contained in the...claim.” Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ 2d 1913, 1920 (Fed. Cir. 1989).

Therefore, Applicant believes that independent claims 1, 10, 20, 29, 39, 48 and their respective dependent claims are distinguishable over the cited prior art references. Accordingly, Applicant respectfully requests the rejection under 35 U.S.C. §102(e) be withdrawn.

Rejection Under 35 U.S.C. § 103

1. In the Office Action, the Examiner rejected claims 1, 5, 6, 16, 20, 24, 25, 35, 39, 43, 44 and 54 under 35 U.S.C. §103(a) as being unpatentable over McCormick in view of U.S. Patent No. 6,141,686 issued to Jackowski et al. ("Jackowski"), claims 2, 7, 8, 9, 21, 26-28, 40 and 45-47 under 35 U.S.C. §103(a) as being unpatentable over the combination of McCormick and Jackowski and further in view of Publication No. US 2003/0061298 issued to Berman et al. ("Berman"), claims 3, 22, 41 under 35 U.S.C. §103(a) as being unpatentable over the combination of McCormick and Jackowski and further in view of Publication No. US 2003/0037037 issued to Adams et al. ("Adams"), claims 4, 23, and 42 under 35 U.S.C. §103(a) as being unpatentable over the combination of McCormick, Jackowski, Adams and further in view of Publication No. US 2002/0152318 issued to Menon et al. ("Menon"), claims 14, 33 and 52 under 35 U.S.C. §103(a) as being unpatentable over McCormick in view of Menon, claims 17, 18, 36, 37 and 55 under 35 U.S.C. §103(a) as being unpatentable over McCormick in view of U.S. Publication No. US 2003/0197733 Beauchamp and claim 56 under 35 U.S.C. §103(a) as being unpatentable over McCormick in view of Adams. Applicant respectfully traverses the rejections and contends that the Examiner has not met the burden of establishing a prima facie case of obviousness.

McCormick discloses a system for automated generation, testing and optimization of content, design and presentations, as discussed above.

Jackowski discloses a client-side application-classifier gathering network-traffic statistics and application and user names using extensible-service provider plugin for policy-based

network control. A network controls traffic using policy rules. Edge device is a router, switch, gateway, modem or other network device to connect local network to the internet (Jackowski, col. 2, lines 51-56). Edge device is able to block or delay packets and may examine packets and apply policy rules to determine which packets to accelerate and which to delay (Jackowski, col. 2, lines 60-64).

Berman discloses a method and apparatus for minimizing inconsistency between data sources in a web content distribution system. A framework is used to distribute multiple content types. It may be used to move static content, to publish or present documents on websites, to manage cached dynamic content, and to distribute media files (Berman, col. 2, paragraph 0024).

Adams discloses a method of storing, maintaining and distributing computer intelligible electronic data. The technique enables the user to import data of any type, analyze the contents, supply metadata information as required, search the database contents, and retrieve specific data fields and records (Adams, col. 1, paragraph 0012). An unstructured database stores, mainstreams, and distributes intelligible electronic data (Adams, col. 2, paragraph 0025). Typeless data storage is allowed such that rigid metadata characteristics are not imposed upon the incoming data (Adams, col. 3, paragraph 0038).

Menon discloses a metadata enabled push-pull model for efficient low-latency video-content distribution over a network. Supplemental metadata elements may be added to provide optional features, capabilities, and performance. For video content in MPEG 7 format, metadata may be included with the file and extracted from it (Menon, col. 8, paragraph 0070).

Beauchamp discloses a dynamic process-based enterprise computing system and method. A process server may provide all services to the universal client (Beauchamp, col. 10, paragraph 0094). It may also manage access to the process definition. Processes may be defined using metadata. The process server may parse the metadata and store it in a relational database management system (Beauchamp, col. 10, paragraph 0097).

McCormick, Jackowski, Berman, Adams, Menon and Beauchamp, taken alone or in any combination, does not disclose, suggest, or render obvious (1) a personalization engine to create personal preference information compatible with a content analyzer in an edge server, and (2) a content scheduler to schedule delivery of content from the edge server and upload the personal preference information to the edge server.

There is no motivation to combine McCormick, Jackowski, Berman, Adams, Menon and Beauchamp because none of them addresses the problem of personalized content delivery. There is no teaching or suggestion that delivery personalized content between an edge server and a home server is present. McCormick, read as a whole, does not suggest the desirability of personalize engine and content scheduler.

Jackowski merely discloses an edge device to accelerate or delay a packet, not to analyze the content using personal information. Berman merely discloses a framework to manage cached dynamic content in a Web content distribution system, not the personalized content delivered between an edge server and a home server. Adams merely disclosed allowing typless data storage, not the metadata associated with the personalized content. Menon merely discloses metadata included for video content in MPEG-7, not the metadata compatible with a description for use with a content analyzer. Beauchamp merely discloses a process parser to parse the metadata used to define a process, not to associate with a personalized content.

The Examiner failed to establish a prima facie case of obviousness and failed to show there is teaching, suggestion or motivation to combine the references. "When determining the patentability of a claimed invention which combined two known elements, 'the question is whether there is something in the prior art as a whole suggest the desirability, and thus the obviousness, of making the combination.'" In re Beattie, Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co., 730 F.2d 1452, 1462, 221 USPQ (BNA) 481, 488 (Fed. Cir. 1984). To defeat patentability based on obviousness, the suggestion to make the new product having the claimed characteristics must come from the prior art, not from the hindsight knowledge of the invention. Interconnect Planning Corp. v. Feil, 744 F.2d 1132, 1143, 227 USPQ (BNA) 543, 551 (Fed. Cir. 1985). To prevent the use of hindsight based on the invention to defeat patentability of the invention, this court requires the Examiner to show a motivation to combine the references that create the case of obviousness. In other words, the Examiner must show reasons that a skilled artisan, confronted with the same problems as the inventor and with no knowledge of the claimed invention, would select the prior elements from the cited prior references for combination in the manner claimed. In re ROUFFET, 149 F.3d 1350 (Fed. Cir. 1996), 47 USPQ 2d (BNA) 1453. "To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or implicitly suggest the

claimed invention or the Examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references." Ex parte Clapp, 227 USPQ 972, 973. (Bd.Pat.App.&Inter. 1985).

In the present invention, the cited references do not expressly or implicitly suggest (1) a personalization engine to create personal preference information compatible with a content analyzer in an edge server, and (2) a content scheduler to schedule delivery of content from the edge server and upload the personal preference information to the edge server. In addition, the Examiner failed to present a convincing line of reasoning as to why a combination of McCormick, Jackowski, Berman, Adams, Menon and Beauchamp is an obvious application of delivery and consumption of personalized content.

Therefore, Applicant believes that independent claims 1, 10, 20, 29, 39, 48 and their respective dependent claims are distinguishable over the cited prior art references. Accordingly, Applicant respectfully requests the rejections under 35 U.S.C. §102(e), and 35 U.S.C. §103(a) be withdrawn.

Conclusion

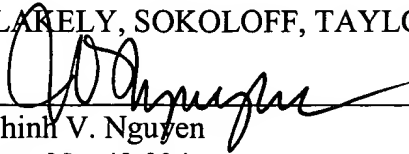
Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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